



UNITED STATES PATENT AND TRADEMARK OFFICE

Y
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,936	02/20/2002	Jon Faiz Kayyem	A-63761-7/RFT/RMS/CYO	4579
7590	07/15/2005		EXAMINER	
FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP Suite 3400 Four Embarcadero Center San Francisco, CA 94111-4187			WHISENANT, ETHAN C	
			ART UNIT	PAPER NUMBER
			1634	

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Supplemental Notice of Allowability	Application No.	Applicant(s)	
	10/081,936	KAYYEM ET AL.	
	Examiner Ethan Whisenant, Ph.D.	Art Unit 1634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to the Interview held 06-07 JUL 05.
2. The allowed claim(s) is/are 47-50,52-59,61-73,75 and 106 - now renumbered as Claims 1-27.
3. The drawings filed on 01 JUL 02 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

Art Unit: 1634

SUPPLEMENTAL NOTICE OF ALLOWABILITY

1. **Claim(s) 47-50,52-75 and 106** as allowed in the Office Action mailed 25 MAY 05 is/are pending.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given during a phone call on 06 JUL 05 by Michael Kolman :

Amend Claim 47 to read:

47. A composition comprising:

- a) an electrode comprising a passivation agent monolayer comprising nucleic acid probes attached to said electrode with a spacer; and
- b) a hybridization indicator.

Cancel Claim 60

Amend Claim 61 to read:

61. A composition according to claim 47 wherein said passivation agent monolayer is an insulator.

Art Unit: 1634

Amend Claim 62 to read:

62. A composition comprising:
- a) a hybridization indicator; and
 - b) an array of electrodes, each comprising
 - i) a passivation agent monolayer ;
 - ii) a nucleic acid probe attached to said electrode with a spacer.

Cancel Claim 74

Amend Claim 75 to read:

75. A composition according to claim 62 wherein said passivation agent monolayer is an insulator.

Amend Claim 106 to read:

106. A composition comprising:
- a) an array of electrodes, each comprising a passivation agent monolayer comprising nucleic acid probes attached to said electrode with a spacer, wherein said spacer comprises an insulator; and
 - b) a hybridization indicator.

Art Unit: 1634

CONCLUSION

3. **Claim(s) 47-50, 52-59, 61-73, 75 and 106** is/are allowable for the reason(s) of record and have now been renumbered as Claims 1-27.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ethan Whisenant, Ph.D. whose telephone number is (571) 272-0754. The examiner can normally be reached Monday-Friday from 8:30AM -5:30PM EST or any time via voice mail. If repeated attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Jones, can be reached at (571) 272-0745.

The Central Fax number for the USPTO is (571) 273-8300. Before faxing any papers, please inform the examiner to avoid lost papers. Please note that the faxing of papers must conform with the Notice to Comply published in the Official Gazette, 1096 OG 30 (November 15, 1989).



**ETHAN WHISENANT
PRIMARY EXAMINER**

Art Unit 1634